

Attorney's Docket No. FSU 10302

**DECLARATION AND POWER OF ATTORNEY**

**REGULAR OR DESIGN APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PROCESS FOR SELECTIVE DERIVATIZATION OF TAXANES**

the specification of which:

(check one)

- [ ] is attached hereto
- [X] was filed on April 20, 1998 as Application Serial No. 09/063,477, and was amended on \_\_\_\_\_.
- [ ] was described and claimed in PCT International Application No. \_\_\_\_\_, filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_, if any.

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**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

**PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a) - (d) or §365(b) of any foreign application for patent or inventor's certificate, or §365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>

Priority Not Claimed

ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH PRIORITY IS CLAIMED

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>
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**CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

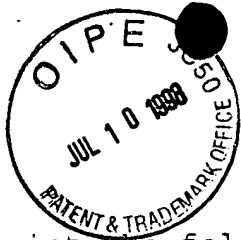
<u>60/056,000</u> (Application Number)	<u>August 18, 1997</u> (Filing Date)
<u>60/081,265</u> (Application Number)	<u>April 9, 1998</u> (Filing Date)

**CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S) UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional,  
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>(Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status: patented, pending, abandoned)</u>
<u>(Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status: patented, pending, abandoned)</u>



# POWER OF ATTORNEY

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Irving Powers (15,700), Donald G. Leavitt (17,626), John K. Roedel, Jr. (25,914), Michael E. Godar (28,416), Edward J. Hejlek (31,525), William E. Lahey (26,757), Richard G. Heywood (18,224), Frank R. Agovino (27,416), Kurt F. James (33,716), G. Harley Blosser (33,650), Paul I. J. Fleischut (35,513), Vincent M. Keil (36,838), Robert M. Evans, Jr. (36,794), Robert M. Bain (36,736), Joseph A. Schaper (30,493), Kathleen M. Petrillo (35,076), Rudolph A. Telscher, Jr. (36,032), Paul A. Stone (38,628), David E. Crawford, Jr. (38,118), Paul A. Maddock (37,877), Charles E. Cohen (34,565), Scott A. Williams (39,876), Richard L. Bridge (40,529), David M. Gryte (P-41,809), and Christopher M. Goff (P-41,785).

Send Correspondence To:

Direct Telephone Calls To:

Customer Number: 000321

Edward J. Hejlek  
(314) 231-5400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of sole or first inventor Robert A. Holton

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Inventor's signature

Robert A. Holton

Date June 11, 1998

Residence 7125 Upland Glade, Tallahassee, FL

Citizenship U.S.

Post Office address Florida State University

Tallahassee, FL 32306

Full name of second joint inventor Zhuming Zhang

Second inventor's signature

X Zhuming Zhang

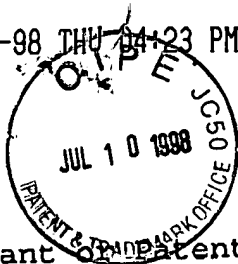
Date June 16, 1998

Residence 36 Hawthorne Pl., #4S, Montclair, NJ

Citizenship P.R. China

Post Office address Florida State University

Tallahassee, FL 32306



Applicant or Patentee: Robert A. Holton et al. Attorney's  
Serial or Patent No.: 09/063,477 Docket No.: FSU 10302  
Filed or Issued: April 20, 1998  
For: PROCESS FOR SELECTIVE DERIVATIZATION OF TAXANES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION Florida State University  
ADDRESS OF ORGANIZATION Tallahassee, Florida 32306

**TYPE OF ORGANIZATION**

- ☒ University or other institution of higher education  
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))  
☐ Nonprofit scientific or educational under status of state of The United States of America  
(Name of state \_\_\_\_\_)  
(Citation of statute \_\_\_\_\_)  
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3) if located in The United States of America  
☐ Would qualify as nonprofit scientific or educational under status of state of The United States of America if located in The United States of America  
(Name of state \_\_\_\_\_)  
(Citation of statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualified as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled PROCESS FOR SELECTIVE DERIVATIZATION OF TAXANES by inventor(s) Robert A. Holton, Zhuming Zhang and Paul A. Clarke described in

- ☐ the specification filed herewith  
☒ application serial no. 09/063,477, filed April 20, 1998  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other

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than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME MDS Research Foundation, Inc.

ADDRESS 210-192 Bradford Road, Tallahassee, FL 32303

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

NAME Taxolog Inc.

ADDRESS 2001 Route 46, Water View Plaza, Ste. 310, Parsippany, NJ 07054

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is not longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Susan D. Allen

TITLE IN ORGANIZATION Vice President for Research

ADDRESS OF PERSON SIGNING Florida State University  
Tallahassee, Florida 32306

SIGNATURE

by E. S. Smith

DATE 7-6-98



Applicant or Patentee: Robert A. Holton et al. Attorney's  
Serial or Patent No.: 09/063,477 Docket No.: FSU 10302  
Filed or Issued: April 20, 1998  
For: PROCESS FOR SELECTIVE DERIVATIZATION OF TAXANES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Taxolog, Inc.  
ADDRESS OF CONCERN 2001 Route 46, Water View Plaza, Ste. 310  
Parsippany, New Jersey 07054

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled PROCESS FOR SELECTIVE DERIVATIZATION OF TAXANES by inventor(s) Robert A. Holton, Zhuming Zhang and Paul A. Clarke described in

- ☐ the specification filed herewith
- ☒ Application Serial No. 09/063,477, filed April 20, 1998.
- ☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by an person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

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FULL NAME Florida State University

ADDRESS Tallahassee, Florida 32306

☐ Individual ☐ Small Business Concern ☒ Nonprofit Organization

FULL NAME MDS Research Foundation, Inc.

ADDRESS 210-192 Bradford Road, Tallahassee, FL 32303

☐ Individual ☐ Small Business Concern ☒ Nonprofit Organization

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Lewis L. Metts

TITLE OF PERSON OTHER THAN OWNER CEO

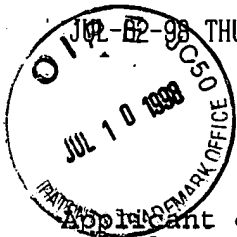
ADDRESS OF PERSON SIGNING 2001 Route 46, Water View Plaza, Suite 310  
Parsippany, New Jersey 07054

SIGNATURE

*Lewis Metts*

DATE

*July 8, 1998*



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SENNIGER, POWERS, ET AL

FAX NO. 314 231 4342

P. 03

Applicant or Patentee: Robert A. Holton et al. Attorney's  
Serial or Patent No.: 09/063,477 Docket No.: FSU 10302  
Filed or Issued: April 20, 1998  
For: PROCESS FOR SELECTIVE DERIVATIZATION OF TAXANES

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**TYPE OF ORGANIZATION**

- ☐ University or other institution of higher education  
☒ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))  
☐ Nonprofit scientific or educational under status of state of The United States of America  
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(Citation of statute \_\_\_\_\_)  
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(Citation of statute \_\_\_\_\_)

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NAME OF PERSON SIGNING Robert A. Holton

TITLE IN ORGANIZATION President

ADDRESS OF PERSON SIGNING 210-192 Bradford Road  
Tallahassee, Florida 32303

SIGNATURE

Robert A. Holton

DATE

7/3/98